

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA J. PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY, INC.,

Defendant.

Civil Action No. 05-10995-RCL

AMERICAN EXPRESS COMPANY, INC.,

Crossclaim-Plaintiff,

v.

FEDERAL INSURANCE COMPANY and
THE SKLOVER GROUP, INC.,

Crossclaim-Defendants,

**CROSSCLAIM-DEFENDANT FEDERAL INSURANCE
COMPANY'S INITIAL DISCLOSURES PURSUANT
TO FED. R. CIV. P. 26(A)(1) AND LOCAL RULE 26.2(A)**

Federal Insurance Company (“Federal”), by its undersigned attorneys, makes the following initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and Local Rule 26.2(A). The following information reflects the current knowledge of Federal and its counsel at this stage of the litigation and is subject to the reservation of all privileges and other immunities from discovery. Federal reserves the right to amend or supplement these disclosures as appropriate.

A. *The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information and all persons then known to the party who witnessed the transaction or occurrence giving rise to the claim or otherwise is known or believed to have substantial discoverable information about the claims or defenses:*

Federal believes that the cross-claims of defendant American Express Company Inc. ("American Express") fail to state a claim upon which American Express may seek relief under Massachusetts law. Accordingly, Federal will be filing a motion to dismiss American Express's cross-claims for indemnification and contribution.

Nevertheless, as far as Federal is currently aware, the following individuals are most likely to have discoverable information pursuant to Fed. R. Civ. P. 26(a)(1)(A):

<u>Witness</u>	<u>Subjects</u>
James R. Hamilton Senior Vice President Chubb Accident & Health Chubb & Son Chicago, Illinois <i>Please contact through Paul, Weiss, Rifkind, Wharton & Garrison LLP, 1285 Avenue of the Americas, New York, New York 10019-6064, (212) 373-3000.</i>	Federal Insurance Company's role in underwriting the insurance plan relevant to the above-captioned action.

B. *A copy of, or description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:*

Federal believes that the cross-claims of American Express fail to state a claim upon which American Express may seek relief under Massachusetts law. Accordingly, Federal will be filing a motion to dismiss American Express's cross-claims for indemnification and contribution. Nevertheless, pursuant to Fed. R. Civ. P. 26(a)(1)(B), Federal hereby provides a description by category of the documents, data compilations, and tangible things in Federal's possession, custody, or control that are relevant to the cross-claims:

1. Federal has no contracts or written agreements with American Express with respect to the insurance plan relevant to the above-captioned action. There

are no documents relevant to the cross-claims in Federal's possession, custody or control of which Federal is aware at this time. Federal reserves the right to supplement its response if appropriate as investigation and discovery are conducted.

C. *Computation of damages:*

Not applicable at this time. Federal reserves the right to supplement its computation of damages if appropriate as investigation and discovery are conducted.

D. *Insurance agreements:*

None.

Dated: Boston, Massachusetts
October 17, 2005

RIEMER & BRAUNSTEIN LLP

By: /s/ Mark W. Corner
Mark W. Corner (BBO #550156)

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PAUL, WEISS, RIFKIND, WHARTON &
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*Attorneys for Defendant
Federal Insurance Company*

CERTIFICATE OF SERVICE

I, Mark W. Corner hereby certify that on this date, October 17, 2005, I caused to be served the foregoing document, by electronic notice, upon the following counsel of record:

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/s/Mark W. Corner

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